

TOWN OF MANCOS
BOARD of TRUSTEES WORKSHOP
April 24, 2024 6:00 P.M.

Workshop – Trustee Appreciation

Town Hall Board Room

Monthly Board Workshops are for Board discussion purposes only. Decisions cannot be made during these sessions. These workshops are open to the public, however public comment will not be accepted.

BOARD of TRUSTEES MEETING

April 24, 2024 7:00 p.m.

AGENDA

- A. Call to Order
- B. Pledge of Allegiance and Moment of Silence
- C. Roll Call
- D. Approval of the Agenda
- E. Approval of the Minutes of April 10, 2024
- F. Swear In Newly Elected Officials – Cindy Simpson, Andres Esparza, Daniel Hennick, Brent McWhirter, David Peyton
- G. Audience Business
- H. Announcements
- I. Committee Reports
 - Montezuma County Commissioner Update
 - Student Liaison Update
 - Region 9 Update
 - CDOT TPR Update
 - Montezuma County Planning Commission Update
- J. Discussion and Action Items
 - 1. Appoint Mayor Pro-Tem
 - 2. Re-appoint Town Clerk/Treasurer and Town Marshal
 - 3. Resolution 9 Series 2024: Appoint Town Attorney and Renew Contract
 - 4. Resolution 10 Series 2024: Appoint Primary & Substitute Municipal Judge
 - 5. Columbine Inc. Liquor License Renewal
 - 6. Region 9 EIAF Broadband Grant
- K. *Items for May 8, 2024 Meeting*
 - *Mancos School Board Joint Workshop*
 - *Resolution TBD Series 2024: Financial Signatory Authorization*
 - *Committee Appointments*
 - *Region 9 Broadband Grant*
 - *Student Liaison Appreciation*
 - *Engineer On Call Contract Renewal*
 - *Contractor On Call Contract Renewal*
- L. Adjournment

Official Results Town of Mancos 2024 Municipal Election April 2, 2024

Voters Cast: 1,803 of 8,364 (21.56%)

Town of Mancos Mayor (Vote for 1)

	Total	
Times Cast	165 / 1,053	15.67%

Candidate	Total	
Cindy Simpson	140	
Total Votes	140	

	Total	
Unresolved Write-In	0	

Town of Mancos Trustee (Vote for 4)

	Total	
Times Cast	165 / 1,053	15.67%

Candidate	Total	
Andres Esparza	125	
Brent McWhirter	114	
Daniel Hennek	94	
Total Votes	342	

		Total	
David Peyton	WRITE-IN	9	
Unresolved Write-In		0	

TOWN OF MANCOS
BOARD of TRUSTEES MEETING MINUTES
April 10, 2024
7:00 p.m.

A. CALL TO ORDER – Mayor Queenie Barz called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

C. ROLL CALL – Present: Mayor Queenie Barz, Mayor Pro Tem Cindy Simpson, Trustee Nick Manning, Trustee Janice Bryan, Trustee Richard Tokar, Trustee Brent McWhirter, Trustee Ed Hallam, Student Liaison Torie McKinley.

Absent: None

Staff Present: Town Administrator Heather Alvarez, Town Clerk/Treasurer Jamie Higgins, Community and Economic Development Director Jason Armstrong, Public Works Director Terry Jennings, Town Marshal Justen Goodall, Town Attorney David Liberman, and Student Liaison Randi Lewis

Absent: None

D. APPROVAL OF THE AGENDA: Trustee Brent McWhirter made the motion to approve the April 10, 2024 agenda. Trustee Janice Bryan seconds the motion. Motion passed.

E. APPROVAL OF THE MINUTES: Trustee Janice Bryan made the motion to approve the minutes of March 27, 2024. Trustee Richard Tokar seconds the motion. Motion passed.

F. Mayor Queenie Barz read the Arbor Day 2024 Proclamation

G. Treasurer Report: March Bills & Claims: Mayor Pro Tem Cindy Simpson made the motion to approve the March Bills & Claims. Trustee Brent McWhirter seconds the motion. Motion passed.

H. AUDIENCE BUSINESS:

- None

I. ANNOUNCEMENTS:

- Heather - DCI In The Game Conference – Jason headed up this project and did an excellent job. I attended enough to be able to assist in his absence, but he is now the “expert”.

- Election Follow Up
- Terry - Water Tank Project final info

J. COMMITTEE REPORTS

- Montezuma County Commissioner Update – None
- Student Liaison Update – Torie McKinley updated the Board regarding Prom, the Cowboy Church having dinner for Prom and activities after, and Student Council.
- Region 9 – Janice Bryan updated the Board regarding what is happening in Region 9.

K. DISCUSSION AND ACTION ITEMS

1. Public Hearing: Hand in Hand Shop LLC Liquor License Application. Mayor Queenie Barz opened the Public Hearing at 7:11pm. Co-Owner Hannah Strum spoke to the Board regarding what the liquor license will entail. Mayor Queenie Barz closed the public hearing at 7:15pm. Trustee Brent McWhirter made a motion to approve the new Tavern License and Takeout and Delivery Permit Application for Hand in Hand Shop LLC conditional upon state approval and authorize the Town Clerk/Treasurer to send the application to the state. Trustee Ed Hallam seconds the motion. Motion passed with a unanimous vote.
2. Trustee Brent McWhirter made a motion to approve Resolution 6 Series 2024 A Resolution Approving the Intergovernmental Agreement For Dispatch Services Throughout Montezuma And Dolores Counties, Colorado Including Federal Agencies, Authorizing Mayor Ellen “Queenie” Barz to execute the Dispatch Services Intergovernmental Agreement And Authorizing the Mancos Marshal To Appoint A Representative And An Alternate To The User Group To Represent The Town of Mancos. Trustee Nick Manning seconds the motion. Motion passed with a unanimous vote with Mayor Pro Tem Cindy Simpson voting yes under protest.
3. Trustee Brent McWhirter made a motion to have the Town Administrator execute the MOU between the Town of Mancos and Region 9 Economic Development District of Southwest Colorado Inc/ Southwest Colorado Council of Governments, with the changes to Tabor. Trustee Janice Bryan Seconds the motion. Motion passed with a unanimous vote.

L. Items for April 24, 2024 Meeting

- *Appoint Mayor Pro-Tem*
- *Re-appoint Town Clerk/Treasurer and Town Marshal*
- *Resolution TBD Series 2024: Appoint Town Attorney and Renew Contract*
- *Resolution TBD Series 2024: Appoint Primary & Substitute Municipal Judge*
- *Second Round 2024 Agency Contribution Applications*
- *Engineer On Call Contract Renewal*
- *Contractor On Call Contract Renewal*

M. Executive Session – Mayor Pro Tem Cindy Simpson makes a motion to go into executive session For a conference with the Town Attorney for purposes of receiving legal advice on specific legal questions under C.R.S Section 24-6-402(4)(b) regarding Wastewater Treatment Plant Litigation. Trustee Brent McWhirter seconds the motion. Motion passed. 8:00pm enter executive session. Present: Mayor Queenie Barz, Mayor Pro Tem Cindy Simpson, Trustee Nick Manning, Trustee Janice Bryan, Trustee Richard Tokar, Trustee Brent McWhirter, Trustee Ed Hallam, Town Administrator Heather Alvarez, Town Attorney David Lieberman, and Town Clerk Jamie Higgins. 8:15pm conclude executive session. No Action.

N. ADJOURNMENT – Trustee Brent McWhirter made the motion to adjourn the meeting at 8:17pm.

Mayor Queenie Barz

Town Clerk/Treasurer Jamie Higgins

STAFF REPORT

To: Honorable Mayor and Trustees
From: Heather Alvarez, Town Administrator
Date: April 24, 2024
Re: Swearing In Of Trustees

Recommendation

None

Background/Discussion

Mayor Queenie Barz will swear in incoming Mayor Cindy Simpson. Mayor Cindy Simpson will swear in newly elected Trustees Andres Esparza, Daniel Hennick, Brent McWhirter and David Peyton

Policy Implications

New Board of Trustees

Resource Impact

None

Attachments

Oaths of Office

OATH OF OFFICE

STATE OF COLORADO

COUNTY: Montezuma

TOWN: Mancos

I, Cindy Simpson, do solemnly swear that I will support the Constitution of the United States of America and the State of Colorado and the ordinances of the Town of Mancos, and that I will faithfully perform the duties of the office of Mayor upon which I have been elected.

Subscribed and sworn to before me this

24th day of April, 2024

Officer administering oath:

Ellen "Queenie" Barz

Title:

Mayor (outgoing)

Address:

P.O. Box 487
Mancos, Colorado 81328

OATH OF OFFICE

STATE OF COLORADO

COUNTY: Montezuma

TOWN: Mancos

I, Andres Esparza, do solemnly swear that I will support the Constitution of the United States of America and the State of Colorado and the ordinances of the Town of Mancos, and that I will faithfully perform the duties of the office of Trustee upon which I have been elected.

Subscribed and sworn to before me this

24th day of April, 2024

Officer administering oath: _____

Cindy Simpson

Title:

Mayor

Address:

P.O. Box 487
Mancos, Colorado 81328

OATH OF OFFICE

STATE OF COLORADO

COUNTY: Montezuma

TOWN: Mancos

I, Daniel Hennick, do solemnly swear that I will support the Constitution of the United States of America and the State of Colorado and the ordinances of the Town of Mancos, and that I will faithfully perform the duties of the office of Trustee upon which I have been elected.

Subscribed and sworn to before me this

24th day of April, 2024

Officer administering oath:

Cindy Simpson

Title:

Mayor

Address:

P.O. Box 487
Mancos, Colorado 81328

OATH OF OFFICE

STATE OF COLORADO

COUNTY: Montezuma

TOWN: Mancos

I, Brent McWhirter, do solemnly swear that I will support the Constitution of the United States of America and the State of Colorado and the ordinances of the Town of Mancos, and that I will faithfully perform the duties of the office of Trustee upon which I have been elected.

Subscribed and sworn to before me this

24th day of April, 2024

Officer administering oath:

Cindy Simpson

Title:

Mayor

Address:

P.O. Box 487
Mancos, Colorado 81328

OATH OF OFFICE

STATE OF COLORADO

COUNTY: Montezuma

TOWN: Mancos

I, David Peyton, do solemnly swear that I will support the Constitution of the United States of America and the State of Colorado and the ordinances of the Town of Mancos, and that I will faithfully perform the duties of the office of Trustee upon which I have been elected.

Subscribed and sworn to before me this

24th day of April, 2024

Officer administering oath:

Cindy Simpson

Title:

Mayor

Address:

P.O. Box 487
Mancos, Colorado 81328

STAFF REPORT

To: Honorable Mayor and Trustees
From: Heather Alvarez, Town Administrator
Date: April 24, 2024
Re: Mayor pro tem Appointment

Recommendation

Make a motion to appoint a Mayor pro tem to act in the absence of the Mayor

Background/Discussion

Mancos Municipal Code section 2-2-50 states “At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem. In the absence of the Mayor from any meeting of the Board of Trustees, during the absence of the Mayor from the Town or during the inability of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor.”

This decision is solely up to the Trustees. Once a volunteer has been chosen, we will need a motion and second. A roll call vote is not necessary in this instance.

Policy Implications

Compliance with our Municipal Code

Resource Impact

None

Attachments

None

STAFF REPORT

To: Honorable Mayor and Trustees
From: Heather Alvarez, Town Administrator
Date: April 24, 2024
Re: Town Clerk/Treasurer and Marshal Reappointment

Recommendation

Make a motion to reappoint Town Clerk/Treasurer Jamie Higgins and Marshal Justen Goodall

Background/Discussion

After each municipal election, we reappoint the Town Clerk/Treasurer and Marshal. This may be done by a motion and a second. A roll call vote is not required.

Policy Implications

None

Resource Impact

None

Attachments

None

STAFF REPORT

To: Honorable Mayor and Trustees
From: Heather Alvarez, Town Administrator
Date: April 24, 2024
Re: Resolution 9 Series 2024: Appointment of Town Attorney

Recommendation

Approve Resolution 9 Series 2024 A Resolution Appointing The Town Attorney For The Town of Mancos

Background/Discussion

David Liberman has been serving as the Town Attorney since 2006, at which time his rate was \$120 per hour. In January 2007, his rate was increased to \$130 per hour. When the economy took a down-turn in 2007, he voluntarily reduced his rate to \$126 per hour. In 2018, the Board approved a rate increase to \$165.00 per hour. In 2024, we are recommending a rate increase to \$200.00 per hour.

Staff is requesting the reappointment of David Liberman as the Mancos Town Attorney at the rate of \$200.00 per hour, which is a \$20.00 per hour increase. Mr. Liberman has done an excellent job in his service to the town, and he is an invaluable member of our team.

Policy Implications

Appointment of Town Attorney

Resource Impact

TBD

Attachments

Resolution 9 Series 2024
Independent Contractor Agreement

TOWN OF MANCOS
Resolution 9 Series 2024

A Resolution Appointing The Town Attorney For The Town of Mancos
WHEREAS, pursuant to Section 2-3-10 of the Mancos Municipal Code requires that the Town Attorney shall be appointed by a majority vote of all members of the Board of Trustees; and

WHEREAS, the Board of Trustees of the Town of Mancos wishes to reappoint David Liberman as the Town Attorney for the Town of Mancos; and

WHEREAS, the Board of Trustees wishes to authorize the Town Administrator to execute a contract with David Liberman, which copy will be attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MANCOS, that the Town of Mancos appoints David Liberman as the Town Attorney for the Town of Mancos and authorizes the Town Administrator to execute the contract.

Passed, adopted and approved this 24^h day of April, 2024.

Mayor Cindy Simpson

Jamie Higgins Town Clerk/Treasurer

Town of Mancos Independent Contractor Agreement for Town Attorney

This Agreement made and entered into this 24th day of April, 2024, by and between the Town of Mancos, a Colorado municipality and statutory town, hereinafter called "Town" and David Liberman of Law Office of David Liberman, LLC, hereinafter called "Contractor," each of whom understand as follows:

The Town desires to employ the services of David Liberman of Law Office of David Liberman, LLC as Town Attorney of the Town of Mancos, and

It is the desire of the Town Board of the Town of Mancos, to provide certain benefits, establish certain conditions of employment and to set working conditions of said contractor; and

It is the desire of the Town Board to secure and retain the services of the Contractor and to provide a means for terminating Contractor's services at such time as he may be unable to fully discharge his duties or when the Town may otherwise desire to terminate his employ; and

The Contractor desires to serve as Town Attorney of Mancos;

In consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1: Duties

The Town agrees to contract David Liberman of Law Office of David Liberman, LLC as Town Attorney of the Town of Mancos, beginning May 1, 2024². Contractor shall perform duties and functions as the Town Attorney as follows:

- A. Serve as Town Attorney as directed by the Town of Mancos through its Town Board. At Town Board meetings, the Contractor may sometimes receive work assignments from and report directly to the Town Board. Outside of Board Meetings, the Town Administrator has authority (unless the Contractor is notified otherwise by the Town Board) to serve as the Town Board's contact person for purposes of communication with the Contractor and for delegating or clarifying work assignments that the Law Office should undertake. In communicating with the Town, the Contractor may receive telephone calls from and return telephone calls to Town staff, primarily the Town Administrator, and the Town Board, concerning any and all legal questions of any nature which may arise on a day-to-day basis for the Town of Mancos. Outside of Town Board meetings, it is generally anticipated that the Town Administrator shall be the designated contact person for communicating with the Contractor and delegating work assignments to the Contractor.
- B. Meet with the persons listed in Section 1A hereof upon reasonable notice to discuss any and all legal questions for the Town of Mancos.

- C. Provide routine answers and advice to Mancos in response to calls, inquiries or meetings described in Section 1A and 1B, if such questions can be answered without extensive research or investigations.
- D. Draft and send short routine letters, memorandums and opinions dealing with the matters specified in Section 1A, B & C hereof.
- E. Attend all regular meetings of the Town Board of Mancos.
- F. Draft and review ordinances, resolutions, contracts, agreements or other legal documents.
- G. Attend special meetings of the Town Board and special hearings of the Town Board or other Administrative Body, as needed.
- H. Prosecute or defend any legal action in State or Federal Courts on behalf of Mancos, including appeals of any decision of the Town Board or other Administrative Body.
- I. Assist in review or processing of applications for special licenses or permits; e.g. subdivision regulations, liquor licensing or annexations, as needed.
- J. Conduct legal research and formalize that legal research in a legal opinion or memorandum.
- K. Contractor agrees to be available for consultation on a reasonable basis during normal business hours and agrees to promptly respond to all phone calls and requests for information.
- L. Attend Mancos Municipal Court ~~only when necessary~~ to represent Mancos ~~in the prosecution of a municipal court defendant who chooses to be represented by counsel or in any other municipal court case~~ where it is deemed necessary to protect the interests of Mancos.
- M. Perform other duties and functions as the Town Board shall from time to time assign.

Contractor may accept and provide non-exclusive legal services for other parties so long as performance of said legal services does not interfere with Contractor's duties and obligations for the Town under this contract.

Section 2: Term of Contract

- A. This agreement shall be for an indefinite time.
- B. This agreement shall be subject to review on an annual basis. This agreement may be terminated by either party upon thirty days written notice to the other party.

Section 3: Salary

- A. Effective May 1, 2024, the Town agrees to pay Contractor for his services at an hourly rate of ~~\$180.00~~\$200.00, plus expenses and costs actually incurred on behalf of Mancos for all filing fees, postage, copies, etc. except automobile mileage for travel is charged at the reimbursable rate allowed by the Internal Revenue Service at the time incurred. Contractor as a courtesy had agreed not to charge for travel time to and from Durango, CO to Mancos, CO for up to two regularly scheduled Board of Trustee meetings per month. This hourly rate may be changed from time to time by mutual agreement of the parties.
- B. The Contractor shall provide the Town of Mancos with a detailed monthly billing for all work done. If requested, the contractor will provide the Town with an estimate of the time required to complete an assignment before beginning such work.

Section 4: Performance Evaluation

The Town Board, Mayor and Town Administrator may review and evaluate the performance of the Contractor from time to time. Said review and evaluation will be fair and reasonable based on the Contractor's duties described herein and job performance based on criteria developed by the Town Board. Further, the Town Board shall provide the Contractor with a summary written statement of their findings and provide an adequate opportunity for the Contractor to discuss his evaluation with the Town Board.

Section 5: Other Terms and Conditions of Employment

The Town, in consultation with the Contractor, may fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Contractor, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement or any other law.

Section 6: General Provisions

- A. No change, modification or waiver of any term of this agreement shall be valid unless it is in writing and signed by both parties. This agreement constitutes the entire agreement between the parties and supersedes all prior oral or written agreements or understandings between the parties.
- B. This agreement shall become effective commencing May 1, 202~~4~~2.
- C. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

Section 7: The Client is an organization. As such the Contractor is governed by Rule 1.13 of the Rules of Professional Conduct of the Colorado Bar Association, included in Exhibit A.

IN WITNESS WHEREOF, Mancos, Colorado has caused this agreement to be signed and executed in its behalf by its Town Administrator, and the Contractor has signed and executed this agreement, both in duplicate, on the day and year first above written.

TOWN OF MANCOS

INDEPENDENT CONTRACTOR

Heather Alvarez, Mancos Town Administrator

David Liberman, Law office of David Liberman, LLC, Contractor

Exhibit A
Colorado Bar Association
Rules of Professional Conduct
RULE 1.13. ORGANIZATION AS CLIENT

(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.

(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law that reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.

(c) Except as provided in paragraph (d), if

(1) despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and

(2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

(d) Paragraph (c) shall not apply with respect to the information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.

(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraph (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.

(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.

(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

STAFF REPORT

To: Honorable Mayor and Trustees
From: Heather Alvarez, Town Administrator
Date: April 24, 2024
Re: Resolution 10 Series 2024: Appointment of Mancos Municipal Court Judge

Recommendation

Approve Resolution 10 Series 2024 A Resolution Appointing The Mancos Municipal Court Judge

Background/Discussion

Mancos Municipal Code 2-4-30 requires the appointment of a municipal judge to preside over Mancos Municipal Court each month.

Michael Wanger has been serving as the Municipal Court Judge for the Town of Mancos since 2022. His current monthly rate is \$250.00. Matthew Margison has been serving as our substitute judge.

Staff is recommending Mr. Margison be appointed as our primary judge and Mr. Wanger be appointed as our substitute judge with no change in salary.

Both judges have done an excellent job for the Town of Mancos the past two years.

Policy Implications

Appointment of Mancos Municipal Court Judge

Resource Impact

\$3,000 per year

Attachments

Resolution 11 Series 2022

Resolution 10 Series 2024

A Resolution Appointing Mancos Municipal Judge and Substitute Mancos Municipal Judge

WHEREAS, pursuant to Section 2-4-30 of the Mancos Municipal Code, the Board of Trustees of the Town of Mancos wishes to appoint Matthew Margison as the Mancos Municipal Judge;

WHEREAS, the Board of Trustees of the Town of Mancos wishes to appoint Michael Wanger as a substitute Mancos Municipal Judge in case of temporary absence, sickness, disqualification or other ability of the presiding judge to act.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mancos, Colorado that the Town of Mancos appoints Matthew Margison as the Mancos Municipal Judge for a term of two (2) years. The Town of Mancos appoints Michael Wanger as a substitute Mancos Municipal Judge in case of temporary absence, sickness, disqualification or other ability of Mancos Municipal Matthew Margison to act.

This Resolution Passed On The 24th Day Of April, 2024 By A Majority Vote Of All Of The Members Of The Board Of Trustees.

TOWN OF MANCOS, COLORADO

Cindy Simpson, Mayor

ATTEST:

Jamie Higgins, Town Clerk/Treasurer

STAFF REPORT

To: Town Administrator, Honorable Mayor and Trustees
From: Jamie Higgins, Town Clerk/Treasurer
Date: April 24, 2024
Re: Columbine Inc. Liquor License Renewal

Recommendation

Approve the Columbine Inc. Liquor License Renewal and authorize the Town Clerk/Treasurer to submit the renewal application to the Dept. of Revenue

Background/Discussion

The liquor license for Columbine Bar will renew on June 26, 2024. Brent McWhirter has submitted the renewal application to the Town for your review.

There have been no violations in the past twelve months. The Mancos Marshal's Office has no objections to the renewal.

Policy Implications

None

Attachments

Renewal Application

Submit to Local Licensing Authority

**COLUMBINE BAR
 PO BOX 66
 Mancos CO 81328**

Fees Due	
Renewal Fee	625.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$625.00

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

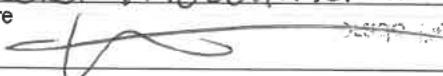
Licensee Name COLUMBINE INC		Doing Business As Name (DBA) COLUMBINE BAR	
Liquor License # 07-84542-0000	License Type Tavern (city)		
Sales Tax License Number 07845420000	Expiration Date 06/26/2024	Due Date 05/12/2024	
Business Address 123 GRAND AVENUE Mancos CO 81328-9268			Phone Number [REDACTED]
Mailing Address [REDACTED]		Email info@mancoscolumbine.com	
Operating Manager Brent & Rachel McWhorter	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number [REDACTED]
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>5/1/20</u>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input checked="" type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Rachel McWhorter - Owner</i>	Title <i>Owner</i>
Signature 	Date <i>4/12/24</i>

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For	Date	
Signature	Title	Attest


Tax Check Authorization, Waiver, and Request to Release Information

I, Rachel McWhirter am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Columbine, Inc. (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Columbine, Inc.</u>		Social Security Number/Tax Identification Number [REDACTED]	
Address <u>123 W. Grand Ave</u>			
City <u>Manitou</u>		State <u>CO</u>	Zip <u>81328</u>
Home Phone Number		Business/Work Phone Number <u>970-239-3714</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Rachel McWhirter</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>4/12/24</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Columbine, Inc.
123 Grand Ave. / PO Box 66
Manitou, CO 81328

2456
82-49211021

4/12/24

DATE

PAY TO THE
ORDER OF

CO Dept of Revenue

\$ 625.⁰⁰

Six Hundred and Twenty Five Dollars ⁰⁰/₁₀₀

DOLLARS

Security feature
included
Details on Disk



970-882-7600
www.mysdb.com

FOR Liquor License Renewal

[Signature]

MP

STAFF REPORT

To: Town Administrator, Honorable Mayor, and Board of Trustees
From: Jason Armstrong, Community and Economic Development Director
Date: April 24, 2024
Re: Region 9 Energy/Mineral Assistance Impact Fund (EIAF) Grant Match

Recommendation

If the grant is awarded, authorize the Town Administrator to enter into contract with Region 9 to partner on this grant

Background/Discussion

The Town of Mancos plays a key role in the development of a regional, redundant middle-mile broadband project in partnership with Region 9, Region 10, DOLA, and the surrounding counties and municipalities in the 5-county area of Southwest Colorado. The Town has been working with these partners to furnish and develop a functional Carrier Neutral Location (CNL) which will provide space to for-profit Internet Services Providers (ISPs) to locate equipment and provide the last-mile services to local customers. Our CNL will be one of several across the region that will function as a eco-system that will best serve the community with competitive and reliable fiber internet services.

The Town of Mancos Community and Economic Development Director has been participating in a technical sub-committee to establish the requirements for the standard equipment needed to make our CNL functionally useable for any ISP wish to rent space. The Region 10 Broadband Manager and Region 9 have done extensive research on the needs for the various CNLs that make up the entire redundant network, and have provided equipment lists and estimated costs for each location.

After discussion with the counties and municipalities in their catchment area, Region 9 has submitted a grant application for the EIAF grant through DOLA for approximately \$1.675 million with a 50% required match. If awarded, Region 9 will be requesting a proportional amount of the match for the Town of Mancos specific for our CNL equipment and costs to install and configure it within the larger network.

Policy Implications

The Town has previously set aside funds that can be directed to the general development of our CNL. The Town will best determine how to support the deployment of the equipment in our CNL with Region 9 and Region 10. Some equipment costs can be recouped from the ISPs charged for use of rack space in our CNL.

Resource Impact

The estimated match requested will be \$53,000 for the Town. This is currently included in the 2024 budget.

Attachments

None